

EXHIBIT E

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Impossible to know health threat during dumping at Brentwood Park, officials say



A Town of Islip tank truck sprays what appears to be water on a section of Roberto Clemente Park in Brentwood on Monday, June 30, 2014. This section of the park is among areas contaminated by illegal dumping. Photo Credit: Newsday / John Paraskevas

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An analysis of contaminated fill at a Brentwood park found levels of pesticides, metals and other toxins that Suffolk officials say are not high enough to present a current health risk -- but they acknowledge it's impossible to know the health threat while the dumping occurred.

The June 3 report by Ronkonkoma firm Enviroscience Consultants Inc. analyzed soil samples taken from Islip Town's Roberto Clemente Park in May. The facility was closed in late April amid a criminal probe by the Suffolk County district attorney's office into the dumping.

The report reveals pesticides, including the now-banned insecticide DDT, the metals lead and barium, and semivolatile organic compounds -- hydrocarbons that can cause cancer -- at the park's soccer fields. DDT, lead and semi-VOCs also were found at the park's recharge basin, a sump that allows water to drain into the aquifer.

The amounts are "not significant levels for human health problems," Suffolk County Department of Health Services Commissioner James L. Tomarken said in an interview.

"I would say low," he said of the public-health risk.

Five of the samples at the soccer fields, mostly in the southern portion, and six in the drainage basin showed traces of some contaminants that exceed levels considered acceptable by the state for properties like the park.

Many places around the state also see higher than normal concentrations of some contaminants, according to a statement drafted by the county health department after it received the report. "Finding these chemicals in soil is not unusual," it said.

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Still, Tomarken said it's not possible for health officials to know if people were exposed to dangerous levels of contaminants at the time the dumping and pulverizing of fill at the park was occurring.

About 57,000 people live within Brentwood's roughly 10 square miles, according to U.S. Census data.

"That's the problem that we all face, and that is trying to tell any individual -- which we can't -- what their individual risk is," Tomarken said. "Over the period of time when no one was in charge or monitoring -- we just don't know."

Numerous risk factors

A person's individual risk depends on several factors, he said -- including their physical characteristics, age, how often they visited the park, whether they might have breathed in or ingested particles, and the level of contaminants. Someone at the park in winter, for example, would have faced relatively little risk, since the fill would have been snow-covered and frozen.

Tomarken encouraged those who used the park and are concerned about possible exposure to contaminants to establish with their physicians a record of their visits.

Enviroscience based its report on data from 24 soil borings of the soccer fields, and another 10 at the basin at depths of up to 9 feet below the surface. As a control, it used six borings in spots where dumping did not occur. The number of samples was based on an initial estimate of 32,000 tons of dumped fill -- a number later revised up to an estimated 50,000 tons.

Besides the contaminants, building materials containing asbestos were found at 10 of the 24 locations on the surface of the soccer fields and three spots below the surface, as well as on the surface at seven of the 10 boring sites at the recharge basin.

The report's author, Glenn Neuschwender, said the nature of the dumped fill was so varied, it would be impossible to determine everything that was on the surface during the time the fill was in place and the park was open to the public.

"That question will always remain unanswered because of the impracticality of sampling the entire surface of the site," he said.

Neuschwender said officials could use the report for "general conclusions" regarding public health. "From a strictly public-health perspective, the data certainly has utility," he said.

An independent expert said officials should not use the report's data to determine if there was a public-health risk.

"They can't say that," said Paul Mushak, a toxicologist and human-health risk-assessment specialist in North Carolina who agreed to review the Enviroscience report for Newsday. "They don't have a clue of what the risk is."

Mushak said the consultant would have had to conduct more extensive sampling to truly show the distribution of contaminants. The focus should have been on the top inch of soil, to which adults and children would have been most exposed, he said.

"Kids come into contact with soil surfaces through normal mouthing behavior, compared to deeper layers," Mushak said. "Without the top 1-inch layer, you don't know what the risk to children is going to be."

David Tonjes, a Stony Brook University assistant professor who studies solid waste and contamination issues, said arriving at the amount of sampling to accurately determine the contaminant level in such varied fill is difficult. "Unless you knew what you were dealing with, you wouldn't know how many samples to take, he said. "It's a tricky thing."

Tonjes said sampling often comes down to the environmental consultant's experience and expertise and not a scientific formula. "We really do this as an art," Tonjes said. "Especially in the field. This is done with professional expertise and people who have experience, and it's difficult."

Evaluation possible

The state is considering bringing in officials from the federal Agency for Toxic Substances and Disease Registry to help evaluate if the public might have been exposed to contaminants, but a decision hasn't been made, according to the state Department of Health.

A spokeswoman for the state Health Department said its role is that of a technical adviser to the county health department, which it said was the lead agency in evaluating the data from a public-health standpoint.

DEC spokesman Peter Constantakes said in late June that the sampling Envirosience performed "should be sufficient for DEC to provide guidance regarding a remedial plan" for the park.

State and town officials have said all the dumped fill will be removed from the park.

Neuschwender, whose company also was hired by the Town of Islip as a consultant to oversee the remediation process, said additional sampling would be conducted after the removal to ensure all contaminants were in fact gone.

On April 8, the Suffolk district attorney began a criminal probe into the dumping at the park. The probe has since widened to include three other locations where investigators have found contaminated material similar to that at the park.

The other sites are a private vacant lot at the corner of Islip Avenue and Sage Street in Central Islip, a six-home development for veterans in Islandia, and an environmentally sensitive wetlands area bordering the towns of Islip and Babylon in Deer Park. Remediation plans have yet to be announced for those sites.

Late in June, District Attorney Thomas Spota said he would only speak to the criminal nature of what had occurred at the park.

"Here's the bottom line: These are hazardous wastes by everyone's definition, and the regulations for their proper and lawful disposal have been ignored," he said.

County officials said the park and the Central Islip property no longer pose any threat.

"The two sites are locked, they're watered, air monitoring is occurring," Tomarken said of the park and Islip Avenue property. "People should not be afraid of the sites."

Meanwhile, the county has reached out to owners of eight private wells that sit near three of the contaminated sites.

Of the three wells close to the Veterans Way development in Islandia, the county has sampled one, while two are on vacant properties.

For the Central Islip property, the county left notice with one well owner, asking to test the water for contaminants, while near the Deer Park parcel, three private wells have been sampled and the county is awaiting permission to test a fourth.

Tainted water hard to link

Suffolk deputy health commissioner Barry Paul said results wouldn't be back for a couple of weeks -- but it would be hard to connect any possible water contamination to the dumping.

"It'd be difficult to identify if these contaminants are in the wells at this point," Paul said.

In addition, Amy Juchatz, the county's environmental toxicologist, said some contaminants found in the soil, such as DDT, bind tightly to soil and do not leach easily into water, but the well tests are "being done on a precautionary basis."

Metals and the semi-VOCs, which were found at both the soccer fields and the recharge basin, also do not easily leach into groundwater, according to experts and studies.

The depth to groundwater at the soccer fields is less than 20 feet, while the base of the recharge basin sits directly at the water table, according to a groundwater expert.

DEC officials said in June that groundwater monitoring will probably be part of the eventual remediation plans.

Neuschwender, of Enviroscience, said the contamination at the park did not pose a threat to groundwater.

"There is not a risk of the material leaching into groundwater for a number of reasons," he said, including the low concentrations of contaminants, the relatively short period of time the fill has been on site and the fact that it will be removed in the coming months.

Nevertheless, the Suffolk County Water Authority unanimously voted last month to be included in all remediation plans and to ask that polluted sites be cleaned to drinking-water standards.

"The aquifer could eventually be contaminated," said the authority's chairman, James Gaughran.

Noting the high population density of the Brentwood-Central Islip communities, Gaughran said new wells eventually will have to be added in the area.

"We need to make sure we have the opportunity to purchase land and build wells in this general area and not have to worry about contamination from this park," he said.

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